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EXAMINER
ROBERTSON, DAVID

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 August 2001_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-111_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-111_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _28 January 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _5,9,11,12_ .   6)☐ Other: .

DETAILED ACTION

1.   This action is responsive to a preliminary amendment adding claims 4-111, the

amendment filed 8/28/2000 prior to first action on the merits. Claims 1-111 are pending for

examination.

2.   An overview of the claims is presented here, of which:

Claims 1-3 recite broadly, an automated process, computer program product, and

apparatus for information processing related to a complex business situation. Claims 4-111, in

two sets of 54 claims each, recite processes (claims 4-57) and computer program product (claims

58-111) for information processing related to a complex business situation. All claims are

directed to a process of problem solving and decision-making using automated means for

gathering, storing, presenting, and analyzing information.

Claims 4-111, added by preliminary amendment, were carefully reviewed against the

original disclosure with the finding that certain claims introduced new matter. New matter is

addressed in 35 U.S.C. 112 rejections in this office action.

Claims 4-57 and 58-111 recite parallel limitations, having essentially the same elements

in corresponding claims; however, the two sets of claims do not have parallel relative

dependencies. That is, claims 4-20 differ at claims 9, 16, and 20 in dependency relation to

claims of the first set, claims 58-74, as compared to claims 63, 70, and 74 in relation to the

claims of the second set, claims 58-111. (Claims 21-57 are fully parallel (elements and

dependencies) with claims 75-111.) Accordingly, an allowance indicated on a dependent claim

in one claim set may not be indicated in the corresponding claim of the other. If it was

Applicant's intent to recite fully parallel claims for the process and computer program product

claims then amendment by Applicant may be warranted.

Restriction

3.   Restriction was considered due to the different statutory classes of invention (process and

product) but was deemed improper due to the obviousness of a computer program product

performing substantially the same function over the automated process. The inventions were

deemed obvious over one another and, aside from the quantity of claims made, the burden of

search minimal.

Information Disclosures and Rule 105 Requests for Information

4.   A protest against issuance of a patent based upon this application was been filed under 37

CFR 1.291(a) on 7/30/2001 and a copy served on Applicant. Applicant's Comment on Protest

received 8/27/2001 complies with the requirement made in the correspondence mailed 8/10/01

that any comments before consideration of the protest be filed within 1 month of mailing.

Accordingly, Applicant's comments have been considered.

5.   Information Disclosure Statements Form PTO-1449 of record as of the date of this action

(papers #5, #8, #11, and #12), including those filed by third party protest filed (July 30, 2002)

have been considered as indicated on initialed and attached forms PTO-1449.

6.   Applicant and the assignee of this application are required under 37 CFR 1.105 to

provide the following information that the examiner has determined is reasonably necessary for

the examination of this application.

In view of various court proceedings involving the assignee of the instant invention and

competitors in the assignee's art, it is apparent that alleged infringing materials in at least one

proceeding may read on the invention, materials which are not currently available for review during examination. Specifically, in KEPNER-TREGOE v LEADERSHIP SOFTWARE (29 USPQ2d 1747), assignee of the instant application *Kepner-Tregoe, Inc.* alleges copyright infringement by a computer program for sale by defendant *Leadership Software, Inc.*

In KEPNER-TREGOE, the computer program *Managing Participation in Organizations* is alleged to infringe on the copyright of Kepner-Tregoe for a process of decision making described as the *Vroom/Jago* model. In another case, KEPNER-TREGOE v VROOM (CA 2) 51 USPQ2d 1771), assignee alleges copyright infringement over materials used to teach managers to make better decisions. It is believed that the process underlying the instant invention is, in whole or in part, the process at issue in each in these proceedings.

The indication of existence of the computer program *Managing Participation in Organizations* at the time of the proceedings suggests that Applicant or assignee may be in possession or in a position to gain possession of relevant prior art documents describing the above-named computer program. Applicant is requested to provide all documents in possession regarding the computer program *Managing Participation in Organizations* and other materials relevant to this line of inquiry.

In KEPNER-TREGOE v EXECUTIVE DEVELOPMENT (276 F.3d577; 2001 U.S. App. LEXIS 26742), assignee of the instant application Kepner-Tregoe alleges copyright infringement by a computer program for sale or use by defendant Executive Development, Inc. (EDI). In the case, defendant's *Decision Focus materials and software* are alleged to infringe on the copyrights of Kepner-Tregoe for works APEX II and GENCO II.

A comparison of the works of Kepner-Tregoe and EDI (see page 3 of the decision) demonstrates a marked similarity between the works and DECISION FOCUS, and a strong resemblance to the process underlying the instant invention. It is unclear from the proceedings whether APEX II and GENCO II are computer programs commensurate with the DECISION FOCUS software or whether the comparison was made between manual processes. However, it is clear that the works APEX II and GENCO II may contain information relevant to the examination of the instant invention, as the works have been compared to a computer program alleged to have implemented the works bearing similarities to the instant invention. Applicant is requested to provide documents describing the works APEX II and GENCO II and other materials relevant to this line of inquiry.

Finally, it is apparent from Applicant's submission of the prior art *RMC, Ltd. Problem Solving & Decisions Making User's Guide, 1996*, that a computer program in existence at the time of the invention implemented all or part of the underlying process of the instant invention. The relationship of the assignee to the computer program is unclear. Given the vigilant defense of copyright evident by the above mentioned court proceedings and the possibility, by similarity to the instant invention, that a relationship may exist between the assignee and RMC, Ltd. it is reasonable to inquire as to whether the RMC software *PSDM 1.0 Problem Solving and Decision Making* is a product for use or sale by assignee or Applicant or agent of either, or a process licensed by Kepner-Tregoe then automated by RMC, or yet a third-party product with no relation to the assignee. Applicant is requested to clarify the relationship between itself and RMC, Ltd. with regard to the above-mentioned software, providing whatever documents or attestations necessary to clarify the record on this point.

Drawings

7.   This application has been filed with informal drawings acceptable for examination

purposes only. Formal drawings will be required when the application is allowed. Specifically,

Applicant is requested to check all margins for compliance with Office requirements and to

improve the legibility of screen prints of the graphical user interface where dark and uneven

shading may obscure the text on publication.

Specification

8.   The abstract of the disclosure is objected to because it contains 209 words. Abstracts are

limited to 150 words. See MPEP § 608.01(b). Correction is required.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

10.   **Claims 4-111** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claims 4-111 recite a *process for eliciting, processing, storing, and displaying information*

concerning a complex business situation. A process is a series of steps producing a result. Since the

claims do not set forth any steps involved in the method/process, it is unclear what

method/process applicant is intending to encompass. A claim is indefinite where it merely

recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 4 recites a collection of processes *employed* or *included* within a main process without

reciting specific steps to be performed by the process to achieve a result. It is wholly unclear as

to what Applicant intends to encompass or how the process is actually practiced. Claim 58 is the computer program product of the process of claim 4. A computer program product performing a process must clearly recite the steps of the process performed by the elements of the program.

Claims 17 and 71 recite *...the interactive GUI process screens containing substantially more explanatory text and transitioning more gradually than the worksheet mode.* The descriptors *substantially more* and *more gradually* render the claim indefinite in this context. The claim attempts to make a distinction between worksheet mode and interactive mode where the interactive mode operates in the familiar manner of a *help* or *installation "wizard"* common to Microsoft Windows applications. Claims 18-19 and 72-73 recite that the GUI process screens include *information on the preceding/following screens,* but it is not evident whether this is the information containing *substantially more text* delivered by *transitioning more gradually* as recited in the claims 17 and 71. Clarification is required.

Claims 17-20 and 71-74 recite an *interactive mode.* The specification recites an *interview mode.* As most graphical user interfaces are interactive, *interview mode* is precise and consistent with the specification. Correction is required.

Claims 31-34 and 85-88 recite the limitation *wherein the associated data...* There is insufficient antecedent basis for this limitation in the claim. It is unclear as to what *associated data* in the limitation refers. Clarification is required.

Claims 46-49 recite *retrieving actions from analysis processes carried out for other complex business situations or by other users within an enterprise.* However, this is inconsistent with the specification or unclear as recited. The present invention is disclosed as being able to load actions entered and assigned into the worksheet fields of the action tracker during

performance of an analysis process. The *retrieval of actions* can only be the retrieval of the

action attributes. But *retrieving actions...carried out...or by other users within an enterprise* is

not described in the specification such that one can discern whether these users are one and the

same of those carrying out analyses using the invention. The specification suggests that *other*

users are users not associated with the analyses carried out by the invention, for example, when

actions are assigned and emailed to *other users*. Clarification and indication of support in the

specification, if necessary to Applicants' interpretation, is required.

The remaining claims are dependent on base claims rejected above, without repair of the

deficiencies and are thus similarly rejected.

11.   The following is a quotation of the **first paragraph** of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

12.   **Claims 37-40, 42, 50-51, 54-57 and 91-94, 96, 104-105, 108-111** are rejected under 35

U.S.C. 112, first paragraph, as containing subject matter which was not described in the

specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's preliminary amendment has introduced substantial new matter not found in the

original disclosure.

As to claims 37-39 and 91-93, the specification fails to describe *graphical icons*

indicating cell-related status information. Mention of *icons* is not found in the instant

specification. Graphical icons indicating cell-related status information are not apparent in the

GUI screen figures, and even if so, require written description.

As to claims 40 and 94, the specification fails to describe *a text editor component to enable the user to create notes...in association with the process.* Mention of a *text editor* or *text editor component* is not found in the instant specification.

As to claims 42 and 96, the specification fails to describe *generat[ing] slide presentations containing selected portions of the data.* Mention of *slides* or *slide presentations* is not found in the instant specification.

As to claims 50, 51, 104 and 105, the specification fails to describe *...enabl[ing] the user to select pre-customized GUI process screens from a previously developed approach....* Mention of *pre-customized GUI process screens* is not found in the instant specification. The claims suggest capture of prior processes or the pre-configuration of processes from a specific instance to be applied to a general problem. However, the specification is equally void of any concept of what one skilled in the art would refer to as a template or script to carry out a customized process. The specification discloses only that users may access data stored in the knowledge base from previous processes, not that they may select and execute *pre-customized GUI process screens from a previously developed approach.*

As to claims 54-57 and 108-111, the specification fails to adequately describe *...eliciting...and storing identifiers of participants...to assist the user in identifying people having knowledge about the complex business situation...* Mention of *eliciting and storing identifiers of participants* is not found in the instant specification. Identification of participants is found only in the context of identifying possible assignees of actions, but this list is not related to eliciting and storing identifiers of people having knowledge of the complex business situation.

Applicant's disclosure and/or written description fail to support all claims. Though

lacking definition in the written description, the claims, for the purpose of examination will be

applied over teachings drawn from prior art or from old and well-known concepts in the art as

best understood from claims as recited. However, the application of art, even where the claimed

subject matter appears understood as intended by Applicant, does not indicate that the subject

matter is adequately disclosed. Adequate written description is required in all claimed elements,

including such elements as may be presented in drawings.

Claim Rejections - 35 USC § 101

13.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

14.   Claims 4-111 are rejected under 35 U.S.C. 101 because the claimed recitation of a use,

without setting forth any steps involved in the process, results in an improper definition of a

process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for

example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd.* v. *Brenner*,

255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966). Applicant has described a main process as a

set of processes without specifying any steps in the process, and lacking steps, the process fails

to produce a result.

15.   Claims 4-111 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. Claims 4 and 58, and their dependents, fail to produce a concrete

and tangible result

Claim 4 defines a process as a set of processes without specifying any steps in the

process. Claim 4 amounts to the manipulation of abstract ideas without achieving a concrete and

tangible result and as such is non-statutory. Claim 58 is a computer program product

implementing the processes of claim 4 and fails to indicate steps toward a result of the

underlying processes. The remaining claims are rejected as being dependent without repair of

the deficiencies of the independent claims 4 and 58.

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

17.   **Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over *EDI*

(DECISION FOCUS® Software User's Guide, Executive Development, Inc. (EDI), 1995).

As to **claims 1**, *EDI* discloses an automated method for analyzing a complex business

situation including gathering, processing, storing, and displaying information. *EDI* teaches a

graphical user interface (see GUI screen shots throughout) for gathering, refining, and displaying

data in a step-wise manner (through a series of GUI screens), and generating an action list (see

page 36). However, *EDI* does not expressly teach *storing said data in an indexed and normalized*

form in a knowledge base adapted for structured query and retrieval in performing said steps of refining

and generating.

EDI teaches a computer program that collects and stores data representing user

knowledge of a business problem or situation. It was well known in the art at the time of the

invention (see *Amado*, US. Pat. 5,537,590 published 1996) that a knowledge base is a database

and a database can be structured and indexed for efficient storage and retrieval, and further that a

relational database provides these features. In addition to the teachings of *Amado* on these

points, Examiner takes Official Notice that it is old and well-known and accepted practice in

relational database design to store data in at least 1st Normal Form, an initial normalization

limiting a database attribute to a single value to achieve database efficiencies.

EDI may well store its data in a relational database, yet the details of implementation are

not given in the DECISION FOCUS User Guide. However, *EDI* teaches implementation on a

Microsoft Windows platform (see page 2) on which Microsoft Access, a relational database

adapted for structured and indexed retrieval, would have been readily available. It would have

been obvious to one of ordinary skill at the time of the invention to store the data of *EDI* in

indexed and normalized form in a relational database such as Microsoft Access. To do so would

have provided robust and efficient storage and structured query and retrieval of data, employing

a readily available commercial off-the-shelf relational database system.

As to **claims 2 and 3**, a computer executing the automated method of claim 1 does so

from a computer-readable medium and thus anticipates claim 2. The computer itself comprises

the apparatus of claim 3. As such, these claims are similarly rejected over *EDI* .

18.   Claims **1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over *RMC, Ltd*

(PSDM 1.0 Problem Solving and Decision Making, Internal Renewal Management Centre

(RMC, Ltd), 1996).

RMC, Ltd discloses an automated method and computer program of analyzing a complex

business situation including gathering, processing, storing, and displaying information. *RMC,*

Ltd teaches a graphical user interface (see GUI screen shots throughout) for gathering, refining,

and displaying data in a step-wise manner (through a series of GUI screens), and generating an

action list (see GUI screen, end of series of screens, showing Action Steps). However, _RMC, Ltd_

does not expressly teach _storing said data in an indexed and normalized form in a knowledge base_

adapted for structured query and retrieval in performing said steps of refining and generating.

RMC, Ltd teaches a computer program that collects and stores data representing user

knowledge of a business problem or situation. It was well known in the art at the time of the

invention (see _Amado_, US. Pat. 5,537,590 published 1996) that a knowledge base is a database

and a database can be structured and indexed for efficient storage and retrieval, and further that a

relational database provides these features. In addition to the teachings of _Amado_ on these

points, Examiner takes Official Notice that it is old and well-known and accepted practice in

relational database design to store data in at least 1st Normal Form, an initial normalization

limiting a database attribute to a single value to achieve database efficiencies.

RMC, Ltd may well store its data in a relational database, yet the details of

implementation are not given in the PSDM 1.0 User Guide. However, _RMC, Ltd_ teaches

implementation on a Microsoft Windows platform (see Start Menu button) on which Microsoft

Access, a relational database adapted for structured and indexed retrieval, would have been

readily available. It would have been obvious to one of ordinary skill at the time of the invention

to store the data of _RMC, Ltd_ in indexed and normalized form in a relational database such as

Microsoft Access. To do so would have provided robust and efficient storage and structured

query and retrieval of data, employing a readily available commercial off-the-shelf relational

database system.

As to **claims 2 and 3**, a computer executing the automated method of claim 1 does so from a computer-readable medium and thus anticipates claim 2. The computer itself comprises the apparatus of claim 3. As such, these claims are similarly rejected over *RMC, Ltd*.

19.   **Claims 4-111** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kepner-Tregoe* (*Problem Solving and Decision Making*, combined references describing the manual process including "Workshop Briefings", "Instructors Manual", "Instructors Outline", and "Notes and Reference [Participants Guide]", copyright Kepner-Tregoe, 1965-1996) in view of *RMC, Ltd* (PSDM 1.0 Problem Solving and Decision Making, Internal Renewal Management Centre (RMC, Ltd), 1996). (*Kepner-Tregoe* and *RMC, Ltd* are Applicant-submitted prior art.)

In general, the invention automates the process of *eliciting, processing, storing, and displaying information concerning a complex business situation* as described in the combined references of *Kepner-Tregoe* including processes for situation appraisal, problem analysis, decision analysis, and potential side-effect analysis. By automation of the process on a general-purpose computer, Applicant replaces manual worksheets with GUI process screens and a knowledge base (a database) for storing the worksheet collected data.

Employing automation, Applicant claims in addition to the underlying process certain automation features not contemplated by the manual process, such as data entry validation, pop-up help text and graphical icons, email notification, and knowledge base queries by keyword. These are features common to automation not present in the manual process. However, the underlying process remains substantially as described in the references *Kepner-Tregoe* by the assignee of the instant invention Kepner-Tregoe. At issue then is whether the invention as

automated is 1) obvious over automation of a known manual process, and 2) whether the

additional automation-enabled functions would be obvious to one of ordinary skill of the art.

As to **claim 4,** *Kepner-Tregoe* teaches the process of *eliciting, processing, storing, and*

displaying information concerning a complex business situation including processes for situation

appraisal, problem analysis, decision analysis, and potential side-effect analysis as described in

the limitations (it is assumed that Applicant is familiar with the submitted works of the assignee).

However, *Kepner-Tregoe* does not expressly teach *GUI process screens for eliciting and presenting*

data, a knowledge base providing for structured storage and retrieval of data, and *an action tracking*

process storing attributes of each action including a responsible person, a deadline, and status.

RMC, Ltd automates the process of eliciting, processing, storing, and displaying information

concerning a complex business situation including processes for situation appraisal, problem

analysis, decision analysis, and potential problem analysis. *RMC, Ltd* suggests and demonstrates

GUI process screens in interview and worksheet modes (see numerous screen printouts showing

worksheet data entry and series of GUI question/answer input screens). It would have been

obvious to one of ordinary skill at the time of the invention to automate the manual process of

Kepner-Tregoe in the manner of *RMC, Ltd*. Indeed, the makers of *PSDM 1.0 Problem Solving*

and Decision Making, the computer program taught by *RMC, Ltd*, anticipated the claimed

invention by the implemented of GUI process screens for eliciting and presenting data to the user.

In doing so, *RMC, Ltd* provided the well-known advantages of interactive user input to a

computer program for prompting the user for information as needed in the course of problem

analysis or problem solving.

RMC, Ltd exemplifies automation of the manual process disclosed by *Kepner-Tregoe* including the GUI process screens. However, *Kepner-Tregoe* in view of *RMC, Ltd* does not expressly disclose *employing a knowledge base providing for structured storage and retrieval of data.*

RMC, Ltd teaches a computer program that collects and stores data representing user knowledge of a business problem or situation. It was well known in the art at the time of the invention (see *Amado*, US. Pat. 5,537,590 published 1996) that a knowledge base is a database and a database can be structured and indexed for efficient storage and retrieval, and further that a relational database provides these features.

RMC, Ltd may well store its data in a relational database, yet the details of implementation are not given in the PSDM 1.0 User Guide. However, *RMC, Ltd* teaches implementation on a Microsoft Windows platform (indicated by Start Menu button) on which Microsoft Access, a relational database adapted for structured and indexed retrieval, would have been readily available. It would have been obvious to one of ordinary skill at the time of the invention to store the data of *RMC, Ltd* in indexed and normalized form in a relational database such as Microsoft Access. To do so would have provided robust and efficient storage and structured query and retrieval of data, employing a readily available commercial off-the-shelf relational database system.

Finally, Applicant claims the following with regard to *an action tracking process:*

> *and the action tracker process includes*
>
> *(i) retrieving and presenting actions from the other processes, and*
>
> *(ii) eliciting, storing, retrieving and presenting attributes of the actions, the attributes of each action including a responsible person, a deadline, and status.*

RMC, Ltd teaches action assignment in the last GUI screen of the sequence showing, in
the table having headings **Action Steps, Who,** and **By When,** retrieving and presenting actions
from other processes and presenting attributes of the actions including for each action (**Action
Steps**), a person (**Who**), deadline (**By When**), and a check-box next to each action useable to
indicate Status.

Kepner-Tregoe suggests such limitations on page 10 in the section "Additional
Reference", the last section in "Notes and Reference [Participants Guide]" with a description of
action assignment including WHO, WHAT, WHEN attributes for each action. The action
attribute "status", while presumed present in *RMC, Ltd* does not appear to be suggested by
Kepner-Tregoe. However, "status" is non-functional data and not accorded patentable weight.
Nowhere in the specification does the action attribute "status" become a functional attribute.
Rather "status" is a display datum indicating action progress (instant specification, page 36, lines
15-30), a datum for display and manipulation only that does not materially affect the process as
disclosed.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention
to automate the manual process of *Kepner-Tregoe* in the manner of *RMC, Ltd* of adding an
action tracker process. Indeed, it was obvious to the makers of *PSDM 1.0 Problem Solving and
Decision Making*, the computer program taught by *RMC, Ltd*, at the time of the instant invention
to implement the action tracking process suggested by *Kepner-Tregoe*. In doing so, *RMC, Ltd*
provided the well-known advantage of using a computer for collecting and listing information on
actions assigned to which persons and the deadline for completion.

As to **claims 5-8,** *Kepner-Tregoe* in view of *RMC, Ltd* teaches all of claim 4. However, *Kepner-Tregoe* in view of *RMC, Ltd* does not expressly teach performance support including help text, coaching, and examples.

With respect to claims 5-8, Examiner takes Official Notice that user performance support in the form of help screens, screen tips, and examples were old and well-known in the art at the time of the invention. *RMC, Ltd* suggests help screens provided upon indication of the user in the GUI screens showing a HELP button. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to provide help and examples on indication by the user. This would have assisted the user in carrying out the tasks in a more efficient and accurate manner.

As to **claims 9-16,** *Kepner-Tregoe* in view of *RMC, Ltd* teaches all of claim 4. However, *Kepner-Tregoe* in view of *RMC, Ltd* does not expressly teach data entry validation and invalid data notification including the ability to turn off validation.

With respect to claims 9-16, Examiner takes Official Notice that data validation and invalid data notification and preventing further input or advancement in the process including the turning off of data validation were old and well known in the art at the time of the invention. *Kepner-Tregoe* suggests such capability by emphasizing the importance of accurate and complete data collection in the manual process.   Therefore, it would have been obvious to one of ordinary skill at the time of the invention to provide data validation and user notifications to prevent invalid or incomplete data entry. This would have improved the results of the process by ensuring accurate and complete input of the data by each user. Turning off validation negates the

feature and would have allowed the user to proceed if the data validation was in error or if the user had incomplete data.

As to **claims 17-19**, _Kepner-Tregoe_ in view of _RMC, Ltd_ teaches all of claim 4 including interactive [interview] and worksheet mode GUI process screens. However, _Kepner-Tregoe_ in view of _RMC, Ltd_ does not expressly teach GUI process screens each summarizing a set of process steps to be performed (or performed previously) in the following/preceding process screen. Examiner takes Official Notice that it was old and well known in the art at the time of the invention to fashion GUI processes in the familiar manner of an _installation "wizard"_ common to Microsoft Windows applications. Installation wizards routinely present a series of steps to be taken next (for example, software components to be installed), and summarize a series of choices made in previous screens (for example, software options selected for installation prior to initiating installation). _RMC, Ltd_ suggests such feature in the disclosed progression of GUI process screens that elicit a series of selections and information inputs leading to an action strategy. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to design GUI process screens in such manner as succeeding and preceding process steps were displayed to the user. This would have provided confirmation and guidance to the user leading to more successful use of the computer program.

As to **claims 21-29**, _Kepner-Tregoe_ in view of _RMC, Ltd_ teaches all of claim 4. In addition _Kepner-Tregoe_ teaches the specifics of claims 21-29 which detail the attributes of data such as "must" and "want", "is" and "is not" descriptions, etc. particular to data of each of the processes situation appraisal, problem analysis, decision analysis, and side-effect analysis.

These attributes are described in the combined works *Kepner-Tregoe* as should be familiar to

Applicant.

As to **claims 30-34,** *Kepner-Tregoe* in view of *RMC, Ltd* teaches all of claim 4. *Kepner-*

Tregoe in view of *RMC, Ltd* teaches the action tracking process as explained above in the

pertinent section in claim 4 rejection. As the action tracking process disclosed in *RMC, Ltd*

displays actions from the other processes (preceding action display), and as can be best

understood by the claims (see 112 2nd paragraph rejection on antecedent basis of "associated

data"), so also does *Kepner-Tregoe* in view of *RMC, Ltd* teach the limitations of claims 30-34.

As to **claims 36,** *Kepner-Tregoe* in view of *RMC, Ltd* teaches all of claim 4. In addition,

RMC, Ltd teaches GUI process screens associating user entered data with the cells as indicated

by the user.

As to **claim 40,** *Kepner-Tregoe* in view of *RMC, Ltd* teaches all of claim 4. In addition,

RMC, Ltd teaches GUI process screens accepting text into user data entry fields. Entry of text

into user data entry fields inherently involves some form of "text editor" to enter the text into the

field and "edit" the text at least by the provision of a backspace-key function.

As to **claims 41-42,** *Kepner-Tregoe* in view of *RMC, Ltd* teaches all of claim 4.

However, *Kepner-Tregoe* in view of *RMC, Ltd* does not expressly teach generating reports and

slides from the knowledge. Examiner takes Official Notice that it was old and well known in the

art at the time of the invention to generate reports and reports in the form of slides from a

database of information. *RMC, Ltd* implicitly suggests such function because it collects

information in an automated fashion and because information thus collected is commonly

produced in communicable form such as reports and slides. It would have been obvious to one

of ordinary skill at the time of the invention to produce reports and reports in the form of slides

from the knowledge base. This would have communicated more widely the information

collected and analyzed to others interested in the results.

As to **claims 46-49,** *Kepner-Tregoe* in view of *RMC, Ltd* teaches all of claim 4 including

the presentation of actions from past analysis processes. However, *Kepner-Tregoe* in view of

RMC, Ltd does not expressly teach presenting the actions sorted by the header fields person,

deadline, and status. Examiner takes Official Notice that it was old and well known in the art at

the time of the invention to provide a tabular listing in a GUI element which inherently includes

the ability to click on the header of each table column and have the results sorted by the attribute

indicated by the header, for example, in the Microsoft Windows Access database listing of

database records. *RMC, Ltd* implicitly suggests such function because it presents the action

attributes in just such a table in a GUI element said to be implement in Microsoft Windows. It

would have been obvious to one of ordinary skill at the time of the invention to sort by header

field attribute. This would have listed the results in a manner grouping actions by person,

arranging actions by nearest deadline, and status by action progress, enabling the user to

conveniently focus on certain actions by person, need, or attention needed.

Conclusion

20.   Claims 20, 35, 37-39, 43-45, 50-57 are not indicated as rejected over the prior art.

However, substantive issues have been raised regarded 35 U.S.C. 112, first paragraph, and 35

U.S.C. 101, and thus have not been indicated as allowable herein.

21.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

> FAGG et al teach prompting users with questions to complete a task including advice
>
> dynamically generated for assisting with questions and answers.
>
> AMADO teaches generalized diagnostics knowledge base implemented as relational
>
> database including querying the knowledge base by keyword and production of
>
> reports.
>
> BABBITT et al teach specialized decision support system for flight tutoring including
>
> pre-customized training scenarios.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Dave Robertson** whose telephone number is **(703) 306-5679**.

The examiner can normally be reached Mon 12:30p-8:30p T-Th 8:30a-8:30p Fri 8:30a-12:30p:.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Tariq Hafiz** can be reached on **(703) 305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the **Receptionist** at telephone number **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 308-7687   [Official communications]

(703) 308-7687   [After Final communications, labeled "**Box AF**"]

(703) 746-5552   [Informal/draft communications, directly to Examiner,

labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,

Arlington, VA, 7th floor receptionist.

dcr

May 20, 2002

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